

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

HILDA L. SOLIS, SECRETARY OF :  
LABOR, U.S. DEPARTMENT OF :  
LABOR, :  
Plaintiff, :  
v. : CIVIL ACTION NO. 5:10-cv-78 (CAR)  
: :  
NEW CHINA BUFFET #8, INC.; :  
YUN DA CHEN, an Individual; and :  
YONG KAI CHEN, an Individual, :  
Defendant. :

**ANSWER OF DEFENDANTS NEW CHINA BUFFET #8, INC. AND**  
**YUN DA CHEN, an Individual**

Come now Defendants, **New China Buffet #8, Inc. and Yun Da Chen**, and respond to

Plaintiff's Complaint as follows:

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

The relief sought in the Complaint is barred by the doctrine of *laches*.

**THIRD DEFENSE**

The relief sought in the Complaint is barred by the applicable statute of limitations.

**FOURTH DEFENSE**

Answering the specific paragraphs of Plaintiff's Complaint, these defendants show the following:

1.

Defendants admit the allegations contained in paragraph I of Plaintiff's Complaint.

2.

Defendants deny the allegations contained in paragraph IIA of Plaintiff's Complaint.

3.

Defendants deny the allegations contained in paragraph IIB of Plaintiff's Complaint.

4.

Defendants deny the allegations contained in paragraph IIC of Plaintiff's Complaint.

5.

Defendants deny the allegations contained in paragraph IIIA of Plaintiff's Complaint.

6.

Defendants deny the allegations contained in paragraph IIIB of Plaintiff's Complaint.

7.

Defendants deny the allegations contained in paragraph IV of Plaintiff's Complaint.

8.

Defendants deny the allegations contained in paragraph V of Plaintiff's Complaint.

9.

Defendants deny the allegations contained in paragraph VI of Plaintiff's Complaint.

10.

Defendants deny the allegations contained in paragraph VII of Plaintiff's Complaint.

These Defendants deny the prayers of the complaint and deny any and all other allegations in the complaint not referred to herein specifically by number, and deny that the Plaintiff is entitled to recover in the sum sued for or in any sum whatsoever and demand a trial by jury.

Wherefore, having fully answered, these Defendants pray that they be discharged from this complaint with costs taxed to the Plaintiff.

This the 7<sup>th</sup> day of May, 2010.

/s/ Larry K. Moore  
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Attorney for Defendants,  
New China Buffet #8, Inc. and  
Yun Da Chen  
Georgia Bar No. 444866

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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing Response of Defendants New China Buffet #8, Inc. and Yun Da Chen, an Individual, on:

Stanley E. Keen, Regional Solicitor  
Karen E. Mock  
U.S. Department of Labor/Office of the Solicitor  
61 Forsyth Street, SW, Suite 7T10  
Suite 7T10  
Atlanta, GA 30303

by electronic service this 7<sup>th</sup> day of May 2010.

/s/ Larry K. Moore  
\_\_\_\_\_  
Attorney for Defendants,  
New China Buffet #8, Inc. and  
Yun Da Chen  
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